DEC 15 2010

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Dear (b)(6)

This is in response to your October 16, 2010, complaint form and subsequent emails that you sent this office. You are alleging that the Arizona Department of Education violated the Family Educational Rights and Privacy Act (FERPA) when it denied you a transcript from your child's special education Due Process Hearing which you identify as Docket #10-C-DP-041-ADE. This office administers FERPA, which addresses issues that pertain to education records. Due to privacy concerns we do not discuss individual FERPA allegations and/or cases via email.

FERPA is a Federal law that affords parents the right to have access to their children's education records, the right to seek to have the records amended, and the right to have some control over the disclosure of information from the records. Education records are those records that are directly related to a student and that are maintained by an educational agency or institution or a party acting for the agency or institution.

FERPA requires that an educational agency or institution comply with a parent's request for access to his or her children's education records within 45 days of receipt of the request. The agency or institution is not required by FERPA to provide copies of education records to a parent unless a failure to do so would effectively prevent the parent from exercising the right to inspect and review the records. For example, an educational agency could be required to provide copies, or make other arrangements, if the parent does not live within commuting distance of the agency.

It appears that you are seeking a copy of your child's Due Process Hearing. As explained above, FERPA would require the Arizona Department of Education to provide you access to the Due Process Hearing it maintains on your child, but not a copy of it. There

may be provisions under Part B of the Individuals with Disabilities Education Act that go beyond the requirements of FERPA. Therefore, I suggest you contact the appropriate official at your State Department of Education at the following:

http://www.nasdse.org/MeettheDirectors/tabid/60/Default.aspx

I trust that the above information explains the scope and limitations of FERPA as it relates to your concerns.

Sincerely,

Ellen Campbell
Acting Director
Family Policy Compliance Office